

## Article - Environment

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§15–613.

(a) The performance bond or cash deposit in lieu of a bond shall be forfeited on failure of the operator to perform in the manner set forth in the authorized mining and reclamation plan and to reclaim the land as provided for in the permit or on revocation of the permit. The Department shall notify the operator by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, of its intention to initiate forfeiture proceedings. The operator has 30 days to show cause why the bond or cash deposit should not be forfeited.

(b) If the operator shows cause, the Department shall provide a reasonable time, but not less than six months, for the operator to restore the land to comply with the permit.

(c) If the operator fails to show cause, the bond or cash deposit shall be forfeited nisi, and the Department shall give notice of the forfeiture to the operator, to the legal owner of the land if different from the operator, and to the surety. If a showing of intention to restore in compliance with the permit is not submitted to the Department within 30 days after the forfeiture nisi, the bond or cash deposit shall be forfeited absolute.

(d) (1) Funds received from forfeiture on bonds shall be deposited in the Deep Mining Fund and be used to reclaim the land affected by the operation on which the liability was charged on the bond and to perform the requirements of this subtitle, regulations issued under this subtitle, and permit conditions that the operator has failed to perform.

(2) Funds received on a forfeiture in excess of the amount required to reclaim the land affected and to perform the requirements that the operator has failed to perform may be used to reclaim any other land affected by deep mining.

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